

DAYLE ELIESON
United States Attorney
ELHAM ROOHANI
Assistant United States Attorney
Nevada Bar Number 12080
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
PHONE: (702) 388-6336
elham.roohani@usdoj.gov

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JIMMY CARTER KIM,

Defendant.

Case No: 2:18-mj-836-CWH

Stipulation to Continue the
Preliminary Hearing
(*First Request*)

IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE ELIESON, United States Attorney, and ELHAM ROOHANI, Assistant United States Attorney, counsel for the United States of America, and REBECCA LEVY, counsel for Defendant JIMMY CARTER KIM, that the preliminary hearing date in the above-captioned matter, currently scheduled for October 12, 2018, at 4:00 p.m., be vacated and continued for forty-five (45) days, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. Defense counsel needs additional time to review the discovery, investigate possible defenses to the allegations, and discuss the case with the defendant to

1 determine how he wishes to proceed with the case. Defense counsel also needs
2 time to confer with the Defendant KIM's state defense counsel regarding the
3 implications the federal case has on the pending state matters.

4 2. The parties agree to the continuance.

5 3. Defendant KIM is incarcerated but does not object to the continuance.

6 4. Additionally, denial of this request for continuance could result in a miscarriage
7 of justice.

8 5. The additional time requested herein is not sought for purposes of delay, but to
9 allow for an adequate opportunity to review the discovery.

10 6. The additional time requested by this stipulation, is allowed, with the
11 defendant's consent under the Federal Rules of Procedure 5.1(d).

12 7. This is the first request for a continuation of the preliminary hearing.

13 DATED this 9th day of October, 2018.

14 Respectfully submitted,
15 DAYLE ELIESON
United States Attorney

16 //s//
17 REBECCA LEVY, ESQ.
Counsel for Defendant
18 JIMMY CARTER KIM

19 //s//
20 ELHAM ROOHANI
21 Assistant United States Attorney
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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 **-oOo-**

7 UNITED STATES OF AMERICA,

Case No: 2:18-mj-836-CWH

8 Plaintiff,

ORDER

9 vs.

10 JIMMY CARTER KIM,

Defendant.

11 **ORDER**

12
13 Based on the pending Stipulation of counsel, and good cause appearing
14 therefore, the Court finds that:

- 15 1. Defense counsel needs additional time to review the discovery, investigate
16 possible defenses to the allegations, and discuss the case with the defendant to
17 determine how he wishes to proceed with the case. Defense counsel also needs
18 time to confer with the Defendant KIM's state defense counsel regarding the
19 implications the federal case has on the pending state matters.
- 20 2. The parties agree to the continuance.
- 21 3. Defendant KIM is incarcerated but does not object to the continuance.
- 22 4. Additionally, denial of this request for continuance could result in a miscarriage
23 of justice.

1 5. The additional time requested herein is not sought for purposes of delay, but to
2 allow for a potential pre-indictment resolution of the case and adequate
3 opportunity to review the discovery.

4 6. The additional time requested by this stipulation, is allowed, with the
5 defendant's consent under the Federal Rules of Procedure 5.1(d).

6 7. This is the first request for a continuation of the preliminary hearing.

7 For all of the above-stated reasons, the ends of justice would best be served by a
8 continuance of the preliminary hearing date.

9 **CONCLUSIONS OF LAW**

10 The ends of justice served by granting said continuance outweigh the best
11 interest of the public and the defendants, since the failure to grant said continuance
12 would be likely to result in a miscarriage of justice, would deny the parties herein to
13 potentially resolve the case prior to indictment, and further would deny the parties
14 sufficient time and the opportunity within which to be able to effectively and
15 thoroughly prepare for the preliminary hearing, taking into account the exercise of due
16 diligence.

17 The continuance sought herein is allowed, with the defendants' consent,
18 pursuant to Federal Rules of Procedure 5.1(d).

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ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for October 12, 2018, at the hour of 4:00 pm, be vacated and continued to November 30, 2018 at the hour of 4:00 p.m.

DATED 11 day of October, 2018.



THE HONORABLE CARL W. HOFFMAN
UNITED STATES MAGISTRATE JUDGE